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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/973,090	10/10/2001	Norihiro Mizobata	HYAE:126	4801	
7590	06/28/2005		EXAMINER		
PARKHURST & WENDEL, L.L.P. Suite 210 1421 Prince Street Alexandria, VA 22314-2805		TRAN, PHUC H			
		ART UNIT		PAPER NUMBER	
		2666			

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/973,090	MIZOBATA, NORIHIKO	
	Examiner	Art Unit	
	PHUC H. TRAN	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 October 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 10-12 is/are rejected.
- 7) Claim(s) 2-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/3/01
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Komi et al. (U.S. Patent No. 6477185 B1).

- With respect to claim 1, Komi teaches a data selection/storage apparatus having a data selection means for selecting specific kinds of data from multiplexed data in which plural kinds of data are multiplexed (e.g. the audio and video data), and a data storage means having plural storage areas for holding the data selected by the data selection means (e.g. block 7 in Fig. 1), wherein among the data selected by the data selection means, plural kinds of data which have previously been specified are multiplexed and stored in one storage area by the data storage means (e.g. Fig. 6, 8, 9 show the specified data at PID filter).

- With respect to claims 10 & 11, Komi also teaches a data processing apparatus comprising: a data selection/storage unit having a data selection means for selecting specific kinds of data from multiplexed data in which plural kinds of data means having plural are multiplexed (e.g. the audio and video data), storage areas for holding the data selected and a data storage by the data selection mean (e.g. block 7 in Fig. 1); and data reproduction unit for reading the data stored in the data storage means of the data selection/storage unit, and reproducing the read data (e.g. Fig. 3); wherein said data selection/storage unit stores plural kinds of data among the data selected by the data selection means, into plural storage areas, respectively (e.g. Fig. 6 shows data stored in respectively areas); and said data reproduction unit is able to output plural data request signals as many as the reproduced simultaneously.

- With respect to claim 12, Komi teaches wherein a plurality of said data reproduction apparatuses are provided (e.g. the decoders in Fig. 1); and when the data selection/storage apparatus has plural storage areas, each holding multiplexed plural kinds of data, each of the plural data reproduction apparatuses reads the multiplexed data from the corresponding storage area, and reproduces the read data (e.g. data stored in block 7 in Fig. 1).

Allowable Subject Matter

3. Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fujii et al. (U.S. Patent No. 5898695) discloses decoder for compressed and multiplexed video and audio data.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
6/22/05



DANG TON
PRIMARY EXAMINER